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Express Mail No.: EL 451 599 417 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: RUDDY et al.

Serial No.: 08/852,495

Group Art Unit: 1644

Filed: May 7, 1997

Examiner: DECLoux, A.

For: POLYMORPHISMS IN THE REGION OF THE HUMAN
HEMOCHROMATOSIS GENE Attorney Docket No.: 8907-057-999

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**TRANSMITTAL OF SECOND SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT AND PTO-1449**

Commissioner for Patents
Washington, D.C. 20231

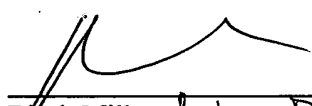
Sir:

Applicants respectfully request that the attached modified Second Supplemental Information Disclosure Statement, PTO Form-1449, and replacement reference numbered GL, be exchanged for the previously filed Second Supplemental Information Disclosure Statement of January 10, 2003. The Second Supplemental Information Disclosure Statement submission filed January 10, 2003, contained an error in Item 7a. This modified submission corrects Item 7a. and is requested to replace the previous Second Supplemental Information Disclosure Statement submitted November 26, 2002, in connection with the above-referenced application.

Applicants believe that no fee is required with this communication. The Commissioner is authorized to charge any underpayment or credit any overpayment to Pennie & Edmonds LLP Deposit Account No. 16-1150 (order no. 8907-057-999) for any matter in connection with this transmittal.

Respectfully submitted,

Date January 14, 2003


43,341
Brgit Millauer Brian M. Poissant (Reg. No.)
For: Brian M. Poissant (Reg. No. 28,462)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(650) 493-4935

Enclosures



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SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Second Supplemental Information Disclosure Statement are:

- 1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.
- 1b. A legible copy of :
 - ☐ Each U.S. patent application publication and U.S. and foreign patent;
 - ☒ Each publication or that portion which caused it to be listed on the PTO-1449;
 - ☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;
 - ☐ all other information or portion which caused it to be listed on the PTO-1449.
- 1c. ☐ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.
- 1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.

2. ☒ This Second Supplemental Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):

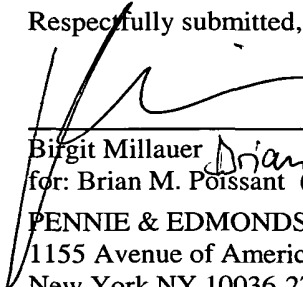
- ☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
 - ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
 - ☐ Before the mailing of the first Office action on the merits;
 - ☒ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.
- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
- ☐ enclosed
 - ☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.
4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee. The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:
- ☐ enclosed.
 - ☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.
- The Certification Statement in Item 5 below is applicable.
5. ☐ Certification Statement (*applicable if Item 3a or Item 4 is checked*)
- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ In accordance with 37 C.F.R. §1.97(e)(2), it is certified that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was known by any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
6. ☐ This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d).
- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.

- 6b. ☐ Copies of publications listed on Form PTO-1449 from prior application Serial No. __, filed on __, of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).
- 6c. ☐ Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. __, filed on __, and are provided herewith.
7. ☒ This is a Second Supplemental Information Disclosure Statement. (*Check either Item 7a or 7b*)
- 7a. ☒ This Second Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Supplemental Information Disclosure Statement filed on November 26, 2002. A bona fide attempt was made to comply with 37 C.F.R. §1.98, but an inadvertent omission of the reference listed herein was made on the PTO-1449. Accordingly, please consider this Second Supplemental Information Disclosure Statement so that it can be considered as if properly filed on November 26, 2002.
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Pennie & Edmonds LLP Deposit Account No. 16-1150 (order no. 8907-057-999).
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,

Date January 14, 2003

43,341


for: Brian M. Poissant (Reg. No. 28,462)

PENNIE & EDMONDS LLP
1155 Avenue of Americas
New York NY 10036-2720
(650) 493-4935



LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO.

8907-057-999

APPLICATION NO.

08/852,495

APPLICANT

RUDDY et al.

FILING DATE

May 7, 1997

GROUP

1644

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	GL	Nierman, W.C., et al., "ATCC/NIH Repository Catalogue of Human and Mouse DNA Probes and Libraries," Amer. Type Culture Coll. (1994) pp. 1-70 (ISBN 0-930009-56-8).

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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